

105TH CONGRESS
1ST SESSION

H. R. 1915

To amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on National Security

A BILL

To amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anti-Hypocrisy Act
5 of 1997”.

1 **SEC. 2. REMOVAL OF CONSENSUAL SEXUAL ACTIVITY BE-**
2 **TWEEN ADULTS AS BASIS FOR PROSECUTION**
3 **UNDER THE UNIFORM CODE OF MILITARY**
4 **JUSTICE.**

5 (a) SODOMY.—Section 925 of title 10, United States
6 Code (article 125 of the Uniform Code of Military Jus-
7 tice), is amended—

8 (1) by inserting “nonconsensual” after “en-
9 gages in”; and

10 (2) by inserting “carnal copulation” before
11 “with an”.

12 (b) CONDUCT UNBECOMING AN OFFICER AND A
13 GENTLEMAN.—Section 933 of such title (article 133 of
14 such Code) is amended by adding at the end the following
15 new sentence: “Consensual acts of a sexual nature be-
16 tween adults that do not involve compensation, and co-
17 habitation by adults, shall not be the basis for a prosecu-
18 tion under this section.”.

19 (c) GENERAL ARTICLE.—Section 934 of such title
20 (article 134 of such Code) is amended by adding at the
21 end the following new sentence: “Consensual acts of a sex-
22 ual nature between adults that do not involve compensa-
23 tion, and cohabitation by adults, shall not be the basis for
24 a prosecution under this section.”.

25 (d) CONSTRUCTION OF AMENDMENTS.—Nothing in
26 the amendments made by this section shall be—

1 (1) construed to prevent prosecution under the
2 Uniform Code of Military Justice for acts of frater-
3 nization; or

4 (2) considered to prevent noncriminal discipli-
5 nary action or administrative proceedings against a
6 person subject to the Uniform Code of Military Jus-
7 tice for misconduct (sexual or otherwise) that—

8 (A) constitutes a disorder and neglect to
9 the prejudice of good order and discipline in the
10 Armed Forces;

11 (B) is of a nature to bring discredit upon
12 the Armed Forces; or

13 (C) in the case of a commissioned officer,
14 cadet, or midshipman, constitutes conduct un-
15 becoming an officer and a gentleman.

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